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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/22/2000

Antionietta Grasso

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3973

7590

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EXAMINER

STACE, BRENT S

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/746,917	<b>Applicant(s)</b> GRASSO ET AL.	
	<b>Examiner</b> BRENT STACE	<b>Art Unit</b> 2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10,12,14,25,27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,12,25 and 27 is/are allowed.
- 6) ☒ Claim(s) 14 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Remarks***

1. This communication is responsive to the amendment dated January 10<sup>th</sup>, 2008. In the amendment dated December 13<sup>th</sup>, 2005, Claims 1-20 are pending, Claims 1 and 9-11 are amended, and Claims 1 and 9-11 are the independent Claims. The examiner acknowledges that no new matter was introduced and the amended and claims are supported by the specification.
2. The examiner would like to note the change of point of contact for this case. The examiner now assigned to this case is Brent Stace.
3. In view of the appeal brief filed on 12/13/05, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

4. As such, any indicated allowability of Claims 14 and 29 are withdrawn in view of the newly discovered reference(s) below. Rejections based on the newly cited reference(s) follow.

#### ***Response to Arguments***

5. Applicant's arguments filed December 13<sup>th</sup>, 2005 with respect to Claims 1-20 have been fully considered but they are moot in view of the new ground(s) of rejection.

6. The other claims argued merely because of a dependency on a previously argued claim(s) in the arguments presented to the examiner, filed December 13<sup>th</sup>, 2005, are moot in view of the examiner's interpretation of the claims and art and are considered rejected based on their respective rejections below.

#### ***Response to Brief***

#### ***Allowable Subject Matter***

7. The following is a statement of reasons for the indication of allowable subject matter:

- a. Claims 10 (system) and 25 (method) match in subject matter and appear allowable since "wherein the processor characterizes content of the recorded item using linguistic tools and wherein the processor determines an item to item similarity between two recorded items by calculating a sum of weights of keywords in common divided by a sum of weights of all keywords associated with the two recorded items" along with the remainder subject matter of the claims does not appear to be taught or made obvious by prior art(s).
- b. Claims 12 (system) and 27 (method) match in subject matter and appear allowable since "wherein the processor characterizes content of the recorded item using linguistic tools and wherein the processor generates a historical linguistic user profile for each user comprising a list of terms extracted from the user recorded items and frequency of occurrence of such extracted terms and wherein the processor generates a current linguistic user profile for each user comprising a list of terms extracted from user recorded items with terms being weighted by a damping coefficient,  $e^{t[\alpha]}$ , where  $t$ =today-timestamp of association of the recorded item with the user and  $[\alpha]$  is a damping coefficient." along with the remainder subject matter of the claims does not appear to be taught or made obvious by prior art(s).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 14 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,430,559 (Zhai).

**Claim 14** can be mapped to Zhai as follows: “A system for providing item recommendations [Zhai, col. 3, lines 26-29 with Zhai, col. 5, lines 55-58] comprising:

- a memory; [Zhai, col. 6, lines 21-35]
- a device, responsive to a user request, for recording an item on a hardcopy medium wherein recording the item on a hardcopy medium comprises an implicit rating for the item by the user; [Zhai, col. 4, lines 60-65]
- a processor, for storing ratings of items and for generating recommendations for new items based on recommendation criteria; [Zhai, col. 6, lines 21-35 with Zhai, col. 4, lines 60-65 with Zhai, col. 4, lines 34-38]
- wherein, responsive to the recorded item, the processor stores an implicit rating for the recorded item in the memory, [Zhai, col. 4, lines 39-42 with Zhai, col. 4, lines 60-65] determines whether, based on the implicit rating for the recorded item and the recommendation criteria, to generate an item recommendation, [Zhai, col. 4, lines 60-65] and if the criteria for generating a recommendation is

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met, generates a recommendation of a new item; [Zhai, col. 4, lines 60-65 with Zhai, Fig. 1, detail 107]

- wherein the memory stores user profiles for user of the system, [Zhai, col. 6, lines 21-35 with Zhai, col. 5, lines 55-59] wherein each user profile includes a set of user preferences pertaining to items and wherein the processor, responsive to the recorded item, updates the user's profile with the implicit rating of the recorded item; [Zhai, col. 4, lines 60-65 with Zhai, col. , lines 34-38 with Zhai, col. 3, lines 20-22]
- wherein the processor characterizes content of the recorded item using linguistic tools, [Zhai, col. 3, lines 30-37] wherein the processor generates a linguistic user profile for each user comprising a list of terms extracted from the user recorded items [Zhai, col. 5, lines 5-11] and frequency of occurrence of such extracted term, [Zhai, col. 1, lines 27-31] and wherein the processor determines an overlap between a user's linguistic profile and a recorded item's linguistic content characterization" [Zhai, col. 3, lines 40-45].

**Claim 29** encompasses substantially the same scope of the invention as that of Claim 14, in addition to a method and some steps for performing the system of Claim 14. Therefore, Claim 29 is rejected for the same reasons as stated above with respect to Claim 14.

***Conclusion***

10. Any prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on any PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENT STACE whose telephone number is (571)272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/B.S./ Examiner, Art Unit 2161

/Apu M Mofiz/

Supervisory Patent Examiner, Art  
Unit 2161

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